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EXAMINER
NAJJAR, SALEH

ART UNIT	PAPER NUMBER
2157	11

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

Office Action Summary	Application No. 09/548,707	Applicant(s) DOUGALL, CHRISTOPHER J. SCOTT
	Examiner Saleh Najjar	Art Unit 2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 June 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)		4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)		5) ☐ Notice of Informal Patent Application (PTO-152)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .		6) ☐ Other: .

1.   This action is responsive to the communication filed on June 24, 2003. Claims 14

was amended. Claims 1-20 are pending.

2.   *Claim Rejections - 35 USC § 102*

       The following is a quotation of the appropriate paragraphs of *35 U.* S.C. 102 that

form the basis for the rejections under this section made in this Office action:

>   A person shall be entitled to a patent unless -
>
>   (e) the invention was described in a patent granted on an application for
>   patent by another filed in the united States before the invention thereof by the
>   applicant for patent, or on an international application by another who has fulfilled
>   the requirements of paragraphs (1), (2), and (4) of section 371 (c) of this title
>   before the invention thereof by the applicant for patent.

The changes made to *3 5 U.* S.C. 102(e) by the American Inventors Protection

Act of *1999* (AIPA) do not apply to the examination of this application as the application

being examined was not (1) filed on or after November *29,* 2000, or (2) voluntarily

published under *35 U.S.C.* 122(b). Therefore, this application is examined under *35*

U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA *35* U.S.C. 102(e)).

3.   Claims 1 and *5* are rejected under *35* U.S.C. 102(e) as being anticipated by

Agraharam et al. U.S. Patent No *6,389,471.*

       As per claim 1, Agraharam discloses a broadcast system, said broadcast system

comprising: a server-end means for scheduling, gathering and transmitting an entire

digital database content of at least one type of digital information service, said server-

end means having means for encoding said full-digital data content for being

broadcasted (column2, lines 1-6 and 41-58; column 4, lines 61-68; column 5, lines 5-

15); and a client-end means for decoding -and receiving the broadcasted full-digital

database content and providing the full informational content of said at least one type of

digital information services (column 3, lines 21-45; column 5, lines 15-39 and 58-64).

As per claim 5, Agraharam discloses a broadcast system as described in claim 1,

wherein: said server-end means further comprises a means for providing a program

guide of services for use by a user, said program guide facilitating means for selecting which services to receive (column 2, lines 21-41), means for viewing the schedule of incoming services, and means for reviewing a catalog of what services have been received, said program guide means further providing a rotating information banner (column 2, lines 4-41; column 3, lines 1-4 and 46-62).

4.   Claims 7, 10, 11, 13-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Mugura US Patent No 6,518,986.

As per claim 7, Mugura discloses a method for providing digital information with existing audio/video broadcasts, said method comprising: selecting at least one end-user selected computer file (column 4, lines 54-67; column 6, lines 1-33; column 12, lines 1-23), breaking down the computer file into at least one packet of digital information (column 4, lines 38-54); broadcasting the packet (column 4, lines 23-37); receiving the packet at an end-user (column 4, lines 37-54); and reassembling the packet into the: computer files (column 4, lines 64-67; column 5, lines 114).

As per claim 10, Mugura discloses the method of Claim 7 further comprising scheduling the service, wherein the service is scheduled by the end-user (abstract; Figure 4; column 12, lines 1-23 and 61-69; column 14, lines 33-49).

As per claim 11, Mugura discloses the method of Claim 7 wherein broadcasting the packet comprises broadcasting the packets over a broadband broadcast medium (column 4, lines 23-46).

As per claim 13, Mugura discloses the method of Claim 7 wherein said selecting computer file comprises selecting a digital information service, wherein the service comprises a logical grouping of files (column 6, lines 34-57).

As per claim 14, Mugura discloses the method of Claim 7 wherein said selecting the computer file comprises selecting at least one of a set consisting of a standard file (unrelated grouping of files), files that make up a World Wide Web (W WW) site, pro ram guide services, and rotational file services (unspecific related grouping of files) (column 9, lines 11-59; column 14, lines 66-67; column 15, lines 1-61; Figure 23).

As per claim 15, Mugura discloses the method of Claim 7 further comprising displaying a program guide to the end user (column 2, lines 21-67; column 7, lines 49-62).

As per claim 16, Mugura discloses the method of Claim 15 wherein displaying a program guide comprises displaying a program guide including services available (column 7, lines 49-67; column 8, lines 1-19; column 14, lines 33-48; Figure 27).

As per claim 17, Mugura discloses the method of Claim 15 wherein displaying a program guide comprises displaying a program guide including broadcast schedules (column 9, lines 1159; Figures 8-9c).

As per claim 18, Mugura discloses the method of Claim 7 further comprising providing a Graphic User Interface (GUI) (abstract; Figure 13; Figures 8-9c).

As per claim 19, Mugura discloses the method of Claim 18 wherein providing a GUI further comprising providing a GUI adapted to manage service subscription (Figure 27; Figure 89c).

5.   Claim Rejections - 35 USC § 103

The following is a quotation of 35 U. S. C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the

subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 2-4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agraharam in view of Schuster.

As per claim 2, Agraharam discloses a broadcast system as described in claim 1, wherein: said server-end means further comprises communication means for facilitating transmission of said entire digital database content via IP-Multicast, and TCP/IP type of communications links for further broadcasting via conduits selected from a group of conduits consisting of [that comprise] television VBI, radio subcarrier, Digital Satellite System (DSS), Digital Video Broadcasting (DVB), Ng'EG-2, local area networks, and the Internet (column 2, lines 41-65; column 3, lines 7-20; column 8, lines 20-30). Agraharam does not disclose supporting RS422, RS232 communications means and for broadcasting via conduits that comprise paging networks, telephone networks. Schuster discloses connections to client computers and processors and paging and telephone networks (column 1, lines 59-67; column 6, lines 38-52).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the links of Agraharam with the links and broadcasting means of Schuster. One of ordinary skill in the art would have been motivated to do this so that there would be more ways of connecting the server to the client and more types of information could be received.

As per claim 3, Agraharam discloses a broadcast system as described in claim 1, wherein information is sent in packets (column' ?, lines 7-41). Agraharam does not disclose the other limitations of the claim. Schuster discloses said means for encoding comprises a packet construction means for breaking up an original digital file into smaller digital file pieces and transmits said smaller digital file pieces as a stream of

packets (column 2, lines 1-23 and 44-60; column 10, lines 4-15, 27-34); and wherein said client-end means comprises broadcast data receiving means for reassembling said stream of packets into said original file (column 2, lines 1-23, 44-67; column 10, lines 4-15). At the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the art of sending packets of Agraharam with encoding and decoding the packet of Schuster. One of ordinary skill in the art would have been motivated to do this so that the packets would be sent more efficiently and arrive at the client faster and intact.

As per claim 4, Agraharam discloses a broadcast system as described in claim 1, wherein: said server-end means further comprises means for retrieving and storing an entire digital informational content (column 3, lines 1-5). Agraharam does not disclose "of a selected electronic network site." Schuster discloses retrieving and storing an entire digital informational content of a selected electronic network site (column 8, lines 34-44 and 52-56). At the time of the invention, it would have been obvious to one of ordinary skill in the art to combine the digital informational content of Agraharam with the content of an electronic network site of Schuster. One of ordinary skill in the art would have been motivated to do this to have the advantage of having all of the digital information in one specific location.

As per claim 6, Agraharam discloses a contents-based digital data broadcast system, said system comprising: a first server-end application program means for retrieving a first type of digital information, and storing a. entire contents of said digital information locally (column 2, lines 1-6; column 3, lines 1-5); a first server-end application module means for encoding, transmitting scheduled services including said entire contents of said digital information, said first application module comprising means for supporting UP-Multicast, and TCPiIP communications and means for broadcasting said encoded entire contents of said digital information via conduits that comprise television, VBI, radio subcarrier, Digital Satellite System (DSS), Digital Video Broadcasting (DVB), MPEG-2, local area networks, and the Internet (column 2, lines 41-

65; column 3, lines 720; column 8, lines 20-30); a second server-end application module means for scheduling tasks for external modules; facilitating centralized organization of tasks and services provided to a client (column 2, line 16); a second server-end application program means for issuing and responding to remote commands and reporting on a status of a task to remote modules (column 2, lines 1-6; column 3, lines 40-46 and 60-63); a first client-end application program means for decoding and receiving the full content of said broadcasted encoded digital information (column 3, lines 7-20); and a second client end application program guide means for facilitating selection of which service to receive, viewing a schedule of incoming services, and review of a catalog of what services have been received, said program guide means further providing a rotating information banner (column 3, lines 20-46). Agrahaxam does not disclose supporting RS422, RS232 communications means and for broadcasting via conduits that comprise paging networks, telephone networks. Schuster discloses connections to client computers and processors and paging and telephone networks (column 1, lines 59-67; column 6, lines 38-52). At the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the links of Agraharam with the links and broadcasting means of Schuster. One of ordinary skill in the art would have been motivated to do this so that there would be more ways of connecting the server to the client and more types of information could be received.

7.   Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mugura US Patent No. 6,518,986 in view of Schuster US Patent No. 6,151,636.

As per claim 8, Mugura discloses a method for wirelessly transmitting digital information, as described in claim 7. Mugura does not disclose the steps of breaking down the packet. Schuster discloses wherein said breaking down the computer file into at least one packet of digital information comprises

(a) allocating memory in a data storage unit member (column 8, lines 33-56);

(b) reading data contents of the computer file into the memory (column 5, lines 14-26);

(c) compressing the read file data (column 8, lines 34-44; Figure 3);

(d) encrypting the compressed data (column 8, lines 57-64; Figure 3);

(e) framing the encrypted data (column 1, lines 59-67; column 2, lines 1-11); and

(f) adding a trailer to the framed data to signal an end of packet (EOP) indication (column 1, lines 59-67; column 2, lines 1-11).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine transmitting the digital information of Mugura to the steps of packetizing the information of Schuster. One of ordinary skill in the art would have been motivated to do this because it enhances the efficiency of the information being sent and allows a sequence of packets to be established so that all the packets arrive in the right order.

As per claim 9, Mugura discloses a method for wirelessly transmitting digital information, as described in claim 8, wherein breaking down the computer file into at least one packet further comprises the step of

(h) destroying the packet after being wirelessly transmitted thereby freeing-up memory in the storage unit member (column 8, lines 53-64). Mugura does not disclose wrapping the packet. Schuster discloses wrapping said packet with a wrapping selected from a group consisting of a Wrap to NABTS (creates the forward error correction (FEC) bundles, fec rows and header), a Wrap to Null (no wrapper), and a Wrap to JPT (JetStreatn Packet Transport which are portions of a complete jetstream packet, and adds headers) (column 10, lines 44-64; column 11, lines 2444; column 12, lines 22-67.

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine transmitting the digital information of Mugura to the steps of wrapping the information of Schuster. One of ordinary skill in the art would have

been motivated to do this because it enhances the efficiency of the information being sent by sending sequence information with each packet so that they are received in the right order.

8.   Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mugura US Patent No. 6,518,986 in view of Schuster et al. US Patent No. 6,151,636 as applied to claims 8 and 9 above, and further in view of Agraharam et al US Patent No. 6,389,471.

Mugura and Schuster disclose the method of Claim 7 wherein broadcasting the packet comprises broadcasting the packets over at least one of a group consisting of television, VBI, radio subcarrier, Digital Satellite System (DSS), Digital Video Broadcasting (DVB) (Mugura column 4, lines 23-46). Schuster discloses paging and telephone networks (column 1, lines 5967; column 6, lines 38-52). Mugura does not disclose MPEG-2, local area networks, and the Internet. Agraharam discloses MPEG-2., local area networks, and the Internet (column2, lines 16 and 41-67; column 3, lines 1-20). At the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the links of Mugura and Schuster with the links and broadcasting means of Agraharam. One of ordinary skill in the art would have been motivated to do this so that there would be more ways of connecting the server to the client and more types of information could be received.

9.   Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mugura US Patent No. 6,518,986 in view of Menand et al. US Patent No. 5,548,532.

Mugura discloses the method of Claim 7 wherein breaking down the computer file into at least one packet (See claim 7 above). Ivlugura does not disclose that breaking down the packet comprises breaking down the computer file into at least one packet comprising 127 bytes. Menand discloses breaking down a file into packets which are 127 bytes (abstract; Figure 12; column 6, lines 65-67; column 7, lines 1-17). At the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the packets of Mugura with the packet length of Menand. One of ordinary

skill in the art would have been motivated to do this to use all of the available addresses in a byte-wide system.

10.   Applicant's arguments filed have been fully considered but they are not persuasive.

In the remarks, the applicant argues in substance that; A) Agraham does not teach "providing the full information content of said at least one type of digital information services", the applicant points to the specification to include services dfined as a standsard file which are unrelated groupings of files; B) Mugura does not teach the claimeds limitation of "selecting at least one end user selected computer file" and that in Mugura the broadcaster selects the the file that will be broke down into packets for transmission; C) concerning claim 6, there is no motivation to combine the references of Agraharm and schuster;

In response to A); Agraharam discloses that the session conductor using a multimedia authoring tool creates multimedia content which may be connected by embedded hyperlinks for easy traversing and that the multimedia content are assembled from possibly different sources and then stored witin local storage (see col. 2, lines 20-40). There is no limit on the different content embedded within the multimedia files that are included for presentation to an audience and therefore the multimedia content taiught by Agaraharam `meeets the scope of the claimed "full information content of said at least one type of digital information services". In response to B); As claim 7 is broadly interpreted by the examiner, Mugura meets the scope of the claimed limitation, since the client selects particular programming files to be broadcasted then viewed (see col. 2, lines 1-20);

In response to C); Agaraharm teaches broadcast medium 310 that could represnt satellite transmission. Cable television, wireless, terrestriall television, ISDN or any broadcast medium (see fig. 1; col. 2)

11.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saleh Najjar whose telephone number is (703) 308-7613. The examiner can normally be reached on Monday-Friday from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Ario Etienne*, can be reached on (703) 308-7562.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600. The central official fax number for the group is (703) 872-9306.

Saleh Najjar
Primary Examiner / Art Unit 2157